

REMARKS

Reconsideration and allowance are respectfully requested in light of the above amendments and the following remarks.

Regarding the incorporation by reference issue raised in the Final Rejection (see Final Rejection section 4), the present application incorporates by reference the disclosure provided in Applicants' U.S. patent application number 09/844,246, which is entitled Method and System for Establishing a Remote Connection to a Personal Security Device and published as US 20020162021A1.

Claims 1, 12, and 17 have been amended to identify the abbreviation APDU as an application protocol data unit, so as to overcome the indefiniteness rejections. These amendments do not narrow the scope of the claims; therefore, no estoppel is deemed attachable thereto.

Claims 12-23 stand rejected, under 35 USC §102(b), as being anticipated by Chan et al. (US 6,005,942). Claims 1-11 stand rejected, under 35 USC §103(a), as being unpatentable over Chan. The Applicants respectfully traverse these rejections.

As acknowledged in the Final Rejection with respect to a similar recitation in claim 1 (see Final Rejection page 8, lines 8-13), Chan fails to disclose the feature recited in claim 12 of a first data processing means of a local client that separates APDUs from an encapsulated message transmitted by a remote

computer and routes the separated APDUs to a personal security device.

By contrast to the above-noted claimed feature, Chan describes a method and system for downloading an application onto a smart card after the latter has been issued, wherein an application server can electronically forward the application to the smart card over an appropriate network and via a card acceptance device (see Chan abstract, col. 3, lines 16-21, col. 10, lines 17-26 and 46-49, and col. 17, lines 8-12). The card acceptance device is used as a host to the smart card and comprises: (1) a means for functionally connecting to the smart card interface and a network and (2) a means for functionally communicating over the network with the application server (col. 10, lines 46-49).

In Chan, the card acceptance device (i.e., the local client) comprises a communications means for transmitting and receiving message packets over a network using a packet-based communications protocol and for transmitting and receiving APDUs through a PSD interface (col. 5, lines 27-30, and col. 10, lines 21-26). Therefore, the card acceptance device comprises a data processing means for receiving incoming messages from the remote application server using the communications means and for separating encapsulated APDUs from the incoming message packets,

in case these incoming message packets include such APDUs. It also comprises a data processing means for encapsulating APDUs into outgoing message packets and routing the outgoing message packets to the application server through the communications means.

In Chan, an application load and install option is performed via a set of appropriate APDU commands received by a card domain 308 (col. 6, lines 1-2). Ordinarily, card domain 308 processes APDUs for several functions, as described in column 6, lines 9-17. A forwarded application is loaded onto the smart card by the card domain 308 (col. 10, lines 23-26). An install file is provided by the application server, signed and encrypted. A verification step during loading of the application includes a communication between the smart card and the card acceptance device through APDU commands (col. 18, lines 49-54).

In Chan, after successful completion of the verification step, the install file is transmitted to the smart card, by initiating an APDU install command (col. 18, line 66, through col. 19, line 4). This command is also in APDU format, but all these APDUs exchanged between the smart card and the card acceptance device are not the APDUs that are separated by the card acceptance device from the incoming message packets transmitted by the application server.

Therefore, Chan differs from claim 12 in that Chan's local client (i.e., the card acceptance device) does not route APDUs that are separated from incoming message packets to the PSD. On the contrary, as described for instance in column 19, lines 25-30, or col. 20, lines 2-7, the card acceptance device has to perform several processes on the application, which is to be transferred to the smart card, before transferring any APDU containing such application into the smart card. The APDUs that are transferred to the smart card by the card acceptance device are generated by the card acceptance device itself.

In accordance with both: (1) the Final Rejection's conclusion that Chan does not disclose the above-described feature as it is similarly recited in claim 1 and (2) the discussion provided above regarding the differences between Chan's disclosure and the claimed subject matter, the Applicants respectfully submit that Chan does not anticipate the subject matter defined by claim 12. Independent claim 17 similarly recites the above-described feature distinguishing claim 12 from Chan. For reasons similar to those provided with respect to claim 12, Chan also does not anticipate claim 17. Therefore, allowance of claims 12 and 17 and all claims dependent therefrom is warranted.

With regard to claim 1, it is submitted that Chan fails to suggest the features recited in claim 1 of: (1) a first data processing means of a local client that separates APDUs from an encapsulated message transmitted by a remote computer and routes the separated APDUs to a personal security device and (2) a second data processing means of the local client that encapsulates APDUs received from the personal security device into outgoing message packets and routes the outgoing message packets to the remote computer.

The Final Rejection acknowledges that Chan does not disclose the above-described feature (1). See, Final Rejection page 8, lines 8-13. To overcome this deficiency, the Final Rejection proposes that the feature would have been obvious to a skilled artisan because a local client device would generally have greater resources than a personal security device for converting encapsulated packets into APDUs, so as to reduce the processing time dedicated to this operation (page 8, lines 14-18).

However, the Final Rejection's proposed motivation for modifying Chan's invention does not address the claimed feature of separating APDUs from an encapsulated message transmitted by a remote computer and routing the separated APDUs to a personal security device, as discussed above in connection with claims 12 and 17.

With regard to the above-mentioned feature (2), the Final Rejection proposes that Chan discloses encapsulating incoming APDUs, received from a personal security device, into outgoing message packets that are communicated to a remote computer (see Final Rejection page 7, second paragraph). This disclosure is proposed to be found in column 18, lines 55-65, of Chan.

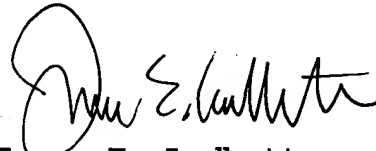
However, the cited portion of Chan's specification merely states, in relevant part, that the personal security device creates a response, to a received APDU command, that consists of a cryptogram and key diversification data (see Chan col. 18, lines 58-63). Chan provides no description of how the card acceptance device transfers messages, received from the smart card, to a remote server. More specifically, Chan does not disclose communicating APDUs from a personal security device to a local client, where these same APDUs are encapsulated as outgoing message packets to a remote computer, as proposed in the Final Rejection.

Accordingly, the Applicants respectfully submit that Chan does not teach or suggest the subject matter defined by claim 1. Therefore, allowance of claim 1 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "James E. Ledbetter". The signature is fluid and cursive, with a large initial "J" and "L".

James E. Ledbetter
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Date: October 4, 2005
JEL/DWW/att

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